

FILED CLERK, U.S. DISTRICT COURT
11/02/2022
CENTRAL DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

April 2022 Grand Jury

UNITED STATES OF AMERICA,
Plaintiff,
v.
MONTY DARRIN SIMPSON,
Defendant.

No. 2:22-cr-00506-JVS

I N D I C T M E N T

[21 U.S.C. §§ 841(a)(1),
(b)(1)(A)(viii), (b)(1)(A)(vi):
Possession with Intent to
Distribute Methamphetamine and
Fentanyl; 18 U.S.C. § 922(g)(1):
Felon in Possession of Firearms
and Ammunition; 18 U.S.C.
§ 924(c)(1)(A)(i): Carrying
Firearms During and in Relation
to, and Possessing Firearms in
Furtherance of, Drug Trafficking
Crimes; 26 U.S.C. § 5861(d):
Possession of an Unregistered
Firearm; 21 U.S.C. § 853, 18
U.S.C. § 924, 26 U.S.C. § 5872,
and 28 U.S.C. § 2461(c): Criminal
Forfeiture]

The Grand Jury charges:

COUNT ONE

[21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii)]

On or about January 21, 2022, in Los Angeles County, within the
Central District of California, defendant MONTY DARRIN SIMPSON

1 knowingly and intentionally possessed with intent to distribute at
2 least 50 grams, that is, approximately 7,486.64 grams, of
3 methamphetamine, a Schedule II controlled substance.

4 Prior to committing the offense alleged in this Count, defendant
5 SIMPSON had been finally convicted of a serious drug felony, as that
6 term is defined and used in Title 21, United States Code, Sections
7 802(57), 841, and 851, namely, on or about May 1, 2017, in the United
8 States District Court for the District of Utah, case number 2:14-CR-
9 00013-TS, defendant SIMPSON was convicted of Conspiracy to Distribute
10 Methamphetamine, in violation of Title 21, United States Code,
11 Section 846, for which defendant SIMPSON served a term of
12 imprisonment of more than 12 months. Defendant SIMPSON was released
13 from a term of imprisonment for that offense within 15 years of the
14 commencement of the offense alleged in this Count.

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1 COUNT TWO

2 [21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi)]

3 On or about January 21, 2022, in Los Angeles County, within the
4 Central District of California, defendant MONTY DARRIN SIMPSON
5 knowingly and intentionally possessed with intent to distribute at
6 least 400 grams, that is, approximately 1,461.05 grams, of a mixture
7 and substance containing a detectable amount of N-phenyl-N-[1-(2-
8 phenylethyl)-4-piperidinyl] propanamide ("fentanyl"), a Schedule II
9 narcotic drug controlled substance.

10 Prior to committing the offense alleged in this Count, defendant
11 SIMPSON had been finally convicted of a serious drug felony, as that
12 term is defined and used in Title 21, United States Code, Sections
13 802(57), 841, and 851, namely, on or about May 1, 2017, in the United
14 States District Court for the District of Utah, case number 2:14-CR-
15 00013-TS, defendant SIMPSON was convicted of Conspiracy to Distribute
16 Methamphetamine, in violation of Title 21, United States Code,
17 Section 846, for which defendant SIMPSON served a term of
18 imprisonment of more than 12 months. Defendant SIMPSON was released
19 from a term of imprisonment for that offense within 15 years of the
20 commencement of the offense alleged in this Count.

1 COUNT THREE

2 [18 U.S.C. § 922(g)(1)]

3 On or about January 21, 2022, in Los Angeles County, within the
4 Central District of California, defendant MONTY DARRIN SIMPSON
5 knowingly possessed firearms, namely, a Colt, model Combat Commander,
6 .45 caliber pistol, bearing serial number 70SC56527, and a Smith and
7 Wesson, model SD9, 9mm caliber pistol, bearing serial number FBJ4033,
8 and ammunition, namely, approximately 12 rounds of Federal 9mm
9 caliber ammunition, two rounds of Underwood 9mm caliber ammunition,
10 one round of Sig Sauer 9mm caliber ammunition, one round of RUAG 9mm
11 caliber ammunition, eight rounds of Tulammo .45 caliber ammunition,
12 approximately 106 rounds of United States Army 5.56 caliber
13 ammunition, approximately 42 rounds of Fiocchi .223 caliber
14 ammunition, two rounds of Tulammo .223 caliber ammunition, six rounds
15 of Federal .223 caliber ammunition, one round of Poongsan .223
16 caliber ammunition, and two rounds of Winchester .223 caliber
17 ammunition, each in and affecting interstate and foreign commerce.

18 Defendant SIMPSON possessed such firearms and ammunition knowing
19 that he had previously been convicted of at least one of the
20 following felony crimes, each punishable by a term of imprisonment
21 exceeding one year:

22 1. Possession of Methamphetamine for Sale, in violation of
23 California Health and Safety Code Section 11378, in the Superior
24 Court of the State of California, County of Los Angeles, case number
25 TA019913, on or about August 5, 1992;

26 2. Possession of a Firearm by a Felon, in violation of
27 California Penal Code Section 12021, Possession of Methamphetamine,
28 in violation of California Health and Safety Code Section 11377(a),

1 and Possession of a Controlled Substance While Armed, in violation of
2 California Health and Safety Code Section 11370.1(a), in the Superior
3 Court of the State of California, County of Orange, case number
4 95WF1733, on or about September 6, 1995.

5 3. Sale or Transportation of a Controlled Substance, in
6 violation of California Health and Safety Code Section 11379, in the
7 Superior Court of the State of California, County of Los Angeles,
8 case number VA045871, on or about May 5, 1998;

9 4. Possession of a Firearm by a Felon, in violation of
10 California Penal Code Section 12021(a)(1), and Felon Carrying a
11 Loaded Firearm in Public, in violation of California Penal Code
12 Section 12031(a)(2)(A), in the Superior Court of the State of
13 California, County of Orange, case number 04WF1496, on or about
14 January 3, 2005;

15 5. Possession of Methamphetamine for Sale, in violation of
16 California Health and Safety Code Section 11378, and Sale or
17 Transportation of a Controlled Substance, in violation of California
18 Health and Safety Code Section 11379, in the Superior Court of the
19 State of California, County of Orange, case number 08NF3298, on or
20 about June 9, 2010;

21 6. Sale or Transportation of a Controlled Substance, in
22 violation of California Health and Safety Code Section 11379, and
23 Felon Carrying a Firearm in Public, in violation of California Penal
24 Code Sections 12031(a)(1), (a)(2)(A), in the Superior Court of the
25 State of California, County of Orange, case number 09WF1924, on or
26 about June 9, 2010;

27 7. Possession of a Controlled Substance for Sale, in violation
28 of California Penal Code Section 11378, in the Superior Court of the

1 State of California, County of Los Angeles, case number VA123739, on
2 or about March 21, 2012;

3 8. Conspiracy to Distribute Methamphetamine, in violation of
4 Title 21, United States Code, Section 846, in the United States
5 District Court for the District of Utah, case number 2:14-CR-00013-
6 TS, on or about May 1, 2017.

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1 COUNT FOUR

2 [18 U.S.C. § 924(c)(1)(A)(i)]

3 On or about January 21, 2022, in Los Angeles County, within the
4 Central District of California, defendant MONTY DARRIN SIMPSON
5 knowingly carried firearms, namely, a Colt, model Combat Commander,
6 .45 caliber pistol, bearing serial number 70SC56527, a Smith and
7 Wesson, model SD9, 9mm caliber pistol, bearing serial number FBJ4033,
8 and a firearm silencer, bearing no manufacturer's mark or serial
9 number, during and in relation to, and possessed each firearm in
10 furtherance of, drug trafficking crimes, namely, possession with
11 intent to distribute methamphetamine, in violation of Title 21,
12 United States Code, Sections 841(a)(1), (b)(1)(A)(viii), as charged
13 in Count One of this Indictment, and possession with intent to
14 distribute fentanyl, in violation of Title 21, United States Code,
15 Sections 841(a)(1), (b)(1)(A)(vi), as charged in Count Two of this
16 Indictment.

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1 COUNT FIVE

2 [26 U.S.C. § 5861(d)]

3 On or about January 21, 2022, in Los Angeles County, within the
4 Central District of California, defendant MONTY DARRIN SIMPSON
5 knowingly possessed a firearm, namely, a firearm silencer, bearing no
6 manufacturer's mark or serial number, which defendant SIMPSON knew to
7 be a firearm and silencer, as defined in Title 26, United States
8 Code, Section 5845(a)(7) and Title 18, United States Code, Section
9 921(a)(25), and which had not been registered to defendant SIMPSON in
10 the National Firearms Registration and Transfer Record, as required
11 by Chapter 53, Title 26, United States Code.

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1 FORFEITURE ALLEGATION ONE

2 [21 U.S.C. § 853; 18 U.S.C. § 924; 28 U.S.C. § 2461(c)]

3 1. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal
4 Procedure, notice is hereby given that the United States of America
5 will seek forfeiture as part of any sentence, pursuant to Title 21,
6 United States Code, Section 853, Title 18, United States Code,
7 Section 924, and Title 28, United States Code, Section 2461(c), in
8 the event of the defendant's conviction of the offenses set forth in
9 any of Counts One and Two of this Indictment.

10 2. The defendant, if so convicted, shall forfeit to the United
11 States of America the following:

12 (a) All right, title and interest in any and all property,
13 real or personal, constituting or derived from, any proceeds which
14 the defendant obtained, directly or indirectly, from any such
15 offense;

16 (b) All right, title and interest in any and all property,
17 real or personal, used, or intended to be used, in any manner or
18 part, to commit, or to facilitate the commission of any such offense;

19 (c) All right, title, and interest in any firearm or
20 ammunition involved in or used in any such offense; and

21 (d) To the extent such property is not available for
22 forfeiture, a sum of money equal to the total value of the property
23 described in subparagraphs (a), (b), and (c).

24 3. Pursuant to Title 21, United States Code, Section 853(p),
25 the defendant, if so convicted, shall forfeit substitute property if,
26 by any act or omission of said defendant, the property described in
27 the preceding paragraph, or any portion thereof: (a) cannot be
28 located upon the exercise of due diligence; (b) has been transferred,

1 sold to, or deposited with a third party; (c) has been placed beyond
2 the jurisdiction of the court; (d) has been substantially diminished
3 in value; or (e) has been commingled with other property that cannot
4 be divided without difficulty.

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1 FORFEITURE ALLEGATION TWO

2 [18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c)]

3 1. Pursuant to Rule 32.2 of the Federal Rules of Criminal
4 Procedure, notice is hereby given that the United States of America
5 will seek forfeiture as part of any sentence, pursuant to Title 18,
6 United States Code, Section 924(d)(1), and Title 28, United States
7 Code, Section 2461(c), in the event of the defendant's conviction of
8 the offenses set forth in any of Counts Three and Four of this
9 Indictment.

10 2. The defendant, if so convicted, shall forfeit to the United
11 States of America the following:

12 (a) All right, title, and interest in any firearm or
13 ammunition involved in or used in any such offense; and

14 (b) To the extent such property is not available for
15 forfeiture, a sum of money equal to the total value of the property
16 described in subparagraph (a).

17 3. Pursuant to Title 21, United States Code, Section 853(p),
18 as incorporated by Title 28, United States Code, Section 2461(c), the
19 convicted defendant shall forfeit substitute property, up to the
20 value of the property described in the preceding paragraph if, as the
21 result of any act or omission of said defendant, the property
22 described in the preceding paragraph or any portion thereof (a)
23 cannot be located upon the exercise of due diligence; (b) has been
24 transferred, sold to, or deposited with a third party; (c) has been
25 placed beyond the jurisdiction of the court; (d) has been
26 substantially diminished in value; or (e) has been commingled with
27 other property that cannot be divided without difficulty.

1 FORFEITURE ALLEGATION THREE

2 [26 U.S.C. § 5872 and 28 U.S.C. § 2461(c)]

3 3. Pursuant to Rule 32.2 of the Federal Rules of Criminal
4 Procedure, notice is hereby given that the United States of America
5 will seek forfeiture as part of any sentence, pursuant to Title 26,
6 United States Code, Section 5872 and Title 28, United States Code,
7 Section 2461(c), in the event of the defendant's conviction of the
8 offense set forth in Count Five of this Indictment.

9 4. The defendant, if so convicted, shall forfeit to the United
10 States of America the following:

11 (a) All right, title, and interest in any firearm involved
12 in such offense; and

13 (b) To the extent such property is not available for
14 forfeiture, a sum of money equal to the total value of the property
15 described in subparagraph (a).

16 3. Pursuant to Title 21, United States Code, Section 853(p),
17 as incorporated by Title 28, United States Code, Section 2461(c), the
18 defendant, if so convicted, shall forfeit substitute property, up to
19 the value of the property described in the preceding paragraph if, as
20 the result of any act or omission of the defendant, the property
21 described in the preceding paragraph or any portion thereof

22 (a) cannot be located upon the exercise of due diligence; (b) has
23 been transferred, sold to, or deposited with a third party; (c) has
24 been placed beyond the jurisdiction of the court; (d) has been

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1 substantially diminished in value; or (e) has been commingled with
2 other property that cannot be divided without difficulty.

3
4 A TRUE BILL
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6

/s/
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Foreperson
8

E. MARTIN ESTRADA
United States Attorney



9
10 SCOTT M. GARRINGER
11 Assistant United States Attorney
12 Chief, Criminal Division

13 BENJAMIN R. BARRON
14 Assistant United States Attorney
15 Chief, Santa Ana Branch Office

16 BRADLEY E. MARRETT
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18 Deputy Chief, Santa Ana Branch
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20 KRISTIN N. SPENCER
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22 Santa Ana Branch Office

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